



# Office of the Staff Judge Advocate LEGAL SERVICES U.S. Army Japan and I Corps (Fwd)

August 2011

## Newsletter

### *Japan Marriage*

It is possible to get married while serving in Japan, based on Japanese law. The following steps are required to be married in Japan:

1. Obtain a list of required documents from the municipal government office where you intend to marry.
2. Complete the Affidavit of Competency to Marry form and Marriage Certificate Application form and have them translated into Japanese. A list of translators is available at the Legal Assistance Office.
3. Complete a Marriage Certificate Application from the city or ward office where you will be married. Two witnesses are required.
4. Submit your documents to the city office. A passport is required for proof of citizenship. A translated birth certificate is also acceptable. A translator is recommended when submitting documents.
5. Once all marriage procedures are complete, a Certificate of Acceptance of Notification of Marriage will be issued - you are now legally married.

6. If your spouse is Japanese and you are not marrying at the office where the Japanese spouse is registered, you will need to take a family register, current within six months, to the city hall where you are married.

7. Translate the Certificate of Acceptance of Notification of Marriage into English, and bring your translator and translated documents to the Legal Assistance Office to obtain certified translations from Japanese to English.

8. Take your documents to the DEERS office to begin the ID card process. Your spouse's ID card will expire every 90 days until your spouse receives an Individual Taxpayer Identification Number (ITIN).

9. The IRS generally does not issue an ITIN until your tax documents are submitted. If you marry in 2011, your ITIN request form (W7) is submitted in 2012. The ITIN and taxes are submitted to the IRS at the same time to ensure IRS expediency.

### *New Tax Benefits for Service Members*

Congress has carved some additional tax benefits for service members who are moving to a new base, traveling to a duty station, and returning from active duty.

**Moving Expenses:** Service Members on active duty who move because of a permanent change of station, can deduct the reasonable unreim-

ursed expenses of moving the service member and dependents.

**Transitioning Back to Civilian Life:** Costs incurred while looking for a new job can be deducted. Expenses may include travel, resume preparation fees, and outplacement agency

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## *Tax continued...*

fees. Moving expenses may be deductible if your move is closely related to the start of work at a new job location, and you meet certain tests.

For more tax information, you may contact the tax center at 263-1040 or the Legal Assistance Office at 263-4698.

## WE'RE ON THE WEB

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If you have any questions, comments, or suggestions, please contact the Legal Assistance Office at 263-4698.



## *Divorce in Guam? Beware!*

Unfortunately, a time comes in many marriages when one party or the other wishes to file for divorce. Often, a friend or "barracks lawyer" will recommend a Guam divorce. After all, it's less expensive to fly to Guam than to fly back to one's state of residence, and a divorce can usually be obtained much quicker in Guam than in one's state of residence. Beware, however, of obtaining a Guam divorce unless one of the parties to the marriage is actually, honestly, and legally a resident of Guam.

By way of background, Guam was previously a "quickie divorce haven". One could obtain a divorce from Guam without even traveling to Guam. All that was necessary was to send the required amount of money to a Guam attorney, and a divorce would be received in return mail. Because there were so many problems with these divorces, Guam laws were changed, but not so much as needed. Now Guam law allows a couple wanting a divorce to fly to Guam, stay there for only a short time to establish "residency" under Guam law, and then a divorce will be granted. Indeed, it is less expensive to fly to Guam than to fly back to one's state of residence, and a divorce can be obtained much quicker, but the long term costs of such a course of action could be enormous.

The problem with such divorces is that because one's real state of residence is never changed from Texas, or Kentucky, or Nevada, or wherever, the Guam divorce forever remains subject to challenge. Neither of the parties who travel to Guam for the divorce can challenge it because they participated in the questionable divorce. However, if either party later remarries, and the new spouse later becomes a soon-to-be ex-spouse who wants to be especially vindictive, they could challenge the Guam divorce and make a claim that their spouse was never a valid resident of Guam and therefore the Guam court did not have jurisdiction to grant a divorce.

The Guam divorce is a potential land mine just waiting for the right situation to blow up in one's face. The implications of such a problem can be devastating – a possible charge of bigamy, renewal of claims for years of back child support and spousal support, and legal expenses to litigate or re-litigate with both ex-spouses.

The Guam divorce is not worth taking the chance. If you must get a divorce, get it in your state of residence. That way, you will never have to worry whether it is valid, and never have to worry if it will come back to bite you.